

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/815,233 Confirmation No. 8121
Applicants : Chen et al.
Title: Method Enabling Real-Time Testing of On-Demand Infrastructure to
Predict Service Level Agreement Compliance
Filed : March 31, 2004
TC/A.U. : 2123
Examiner : Mary C. Jacob
Docket No. : AUS920031048US1
Customer No. : 48,916

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

The Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 22, 2008, finally rejecting claims 1-8, 10-18, 20-25 and 27.

The fee for filing this Notice of Appeal is \$540.00. The fee has been paid concurrently with the filing of this Notice. In addition a Request for a Two-month Extension of Time has been filed and paid for concurrently to file this Notice by February 23, 2009. If the amounts paid are insufficient, or should any additional fees under 37 C.F.R. § 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from IBM Corporation, Deposit Account No. 09-0447.

AUS920031048US1

Respectfully submitted,

Date: February 23, 2009

/Gregory K. Goshorn/
By: Gregory K. Goshorn
Reg. No.: 44,721
ATTORNEY FOR APPLICANT

Greg Goshorn, P.C.
9600 Escarpment
Suite 745-9
Austin, Texas 78749
Telephone: (512) 291-9203
Facsimile: (512) 535-4206